

### **REMARKS/ARGUMENTS**

Claims 1, 3-5, 19 and 20 were pending at the time of the Office Action. Claims 8-25 are withdrawn due to a restriction requirement. Claims 2, 6 and 7 were previously canceled.

Claim 1 is amended to clarify that the method produces either a viable hybrid zygote or an early embryonic cell, which an oocyte or 2-cell embryo could produce. Thus, the rejection under 35 USC 112, second paragraph, is moot.

To expedite allowance, claim 1 is also amended to clarify that DNA from a mitochondrially depleted mammalian donor cell is introduced into a recipient mammalian cell of the same species. Thus, the rejection under 35 USC 112, first paragraph, is moot.

Claims 19 and 20 are canceled to expedite allowance. Thus, the rejection of these claims as anticipated is moot.

In view of the foregoing amendments and remarks, Applicants submit that the present application is in condition for allowance. A Notice of Allowance is therefore respectfully requested.

No fee is believed due. However, the Commissioner is hereby authorized during prosecution of this application and any related appeal, to charge any fees that may be required (except for patent issue fees required under 37 CFR §1.18) or to credit any overpayment of fees to Deposit Account No. 50-0337. If an extension of time is required in connection with this paper, please consider this a Petition therefor and charge any fees required to Deposit Account No. 50-0337. Please ensure that Attorney Docket No. LA-7492-102/10408733 is referred to when charging any payments or credits for this case.

Dated: January 25, 2008

Respectfully submitted,



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